


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2017-238

 EM2

FINAL DECISION

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the application on August 4, 2017, and assigned it to staff member  to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated March 7, 2018, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATIONS

The applicant, an Electrician's Mate, Second Class (EM2) currently on active duty, asked the Board to correct his record to show that he signed a reenlistment contract upon receiving transfer orders on December 14, 2015, to receive a Selective Reenlistment Bonus (SRB)¹ pursuant to ALCOAST 346/15. He also asked the Board to correct his record to show that he reenlisted on his 10th active duty anniversary, January 17, 2016, to receive an SRB. The applicant alleged that he was not properly counseled about his eligibility to reenlist for an SRB in both instances.

In support of his application, the applicant submitted a copy of his December 14, 2015, transfer orders from a cutter to Base Miami. The orders state that he was scheduled to depart the cutter on July 23, 2016, and report to Miami on August 1, 2016. The orders also state that the

¹ The Selective Reenlistment Bonus (SRB) Program allows the Commandant to offer a reenlistment incentive to members who possess highly desired skills or are in eligible ratings, at certain specific points during their career. For the purpose of defining eligibility periods within the first 14 years of active service, three zones of consideration are established. Zone A is defined as the period from 17 months through 6 years of active service, Zone B is the period from 6 to 10 years of active service, and Zone C is defined as the period from 10 through 14 years of active service. Members may only receive one SRB per zone. Article 1.B.1. of COMDTINST M7220.2, the Military Bonus Programs manual.

assignment required one year of minimum obligated service and noted that the applicant already had sufficient obligated service to effect the transfer.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on January 17, 2006, for a term of four years, through January 16, 2010, and received a \$2,000 enlistment bonus. He advanced to EM3/E-4 on September 25, 2009. On January 17, 2010, he signed a four-year extension contract to obligate service through January 16, 2014. There was no SRB in effect for his rating in 2010, but he received a critical skills training bonus (CSTB). On February 25, 2013, the applicant signed a four-year reenlistment contract, through February 24, 2017, to obligate sufficient service to transfer to the cutter. The contract notes that he was not eligible for an SRB as none was in effect for his rating.

The applicant served aboard the cutter from June 28, 2013, through July 2016. As noted above, on December 14, 2015, the Coast Guard issued transfer orders requiring him to depart the cutter on July 23, 2016, and report to Base Miami on August 1, 2016. His then current enlistment contract ended on February 24, 2017, but the orders stated that although the transfer required one year of minimum obligated service, the applicant already had sufficient obligated service to effect the transfer.

The applicant's 10th active duty anniversary passed on January 17, 2016, when he was still an EM3/E-4. He advanced to EM2/E-5 on August 1, 2016. He signed another four-year reenlistment contract on February 21, 2017, and his current end of enlistment (EOE) date is February 20, 2021.

APPLICABLE REGULATIONS

Article 1.B.3. of the Coast Guard Military Bonus Programs manual requires that all personnel with ten years or less of active service who reenlist or extend for any period shall be counseled on the SRB program and shall sign a Page 7 outlining the effect that particular action has on their SRB entitlement.

Article 1.B.4.b.(4) of the manual states that to receive a Zone B SRB the member must be serving in pay grade E-5 or higher.

Article 1.B.5.i. of the manual provides that Commanders are authorized to effect early discharge and reenlist members within three months prior to their 6th, 10th and 14th year anniversaries for the purpose of qualifying for an SRB.

ALCOAST 346/15 was issued on September 2, 2015, and authorized a \$36,000 Zone A SRB for members in the EM rate who reenlist for six years, and a \$20,000 Zone B SRB for members in the EM rate who were willing to terminate their current enlistment contract and reenlist for an additional six years. Paragraph 7.c. also states that the member must have more than 6 years but less than 10 years time in service and have an EOE date prior to October 1, 2016, to be eligible for the bonus.

VIEWS OF THE COAST GUARD

On November 30, 2017, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief.

In support of its recommendation, the JAG included an analysis of the applicant's bonus eligibility by the Coast Guard Pay and Personnel Center's Bonus Team. The Bonus Team stated that the applicant was not eligible to reenlist for an SRB when he received his transfer orders to Base Miami in December 2015 or on his 10th active duty anniversary because on those dates he was serving in pay grade E-4 and was in Zone B, since he had more than 6 years of service, and Article 1.B.4.b.(4) of the Military Bonus manual states that members must be serving in pay grade E-5 or higher upon their reenlistment to receive a Zone B SRB.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On December 6, 2017, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The Chair did not receive a response.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submission and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. The application was timely.

2. The applicant alleged that he was not counseled regarding his eligibility to reenlist for an SRB when he received transfer orders in 2015 or when he reached his 10th active duty anniversary and so was erroneously and unjustly denied two SRBs. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.² Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties "correctly, lawfully, and in good faith."³

3. There is nothing in the record to show that the applicant was counseled about his opportunity to reenlist or extend when he received his transfer orders in December 2015 or on his 10th active duty anniversary, and Coast Guard admitted that it failed to counsel him. The Board finds, however, that if the applicant had been properly counseled on those two dates then he would have been told that he was not eligible to receive an SRB on these occasions for two reasons. First, the applicant was in Zone B because he had more than 6 years of service on those

² 33 C.F.R. § 52.24(b).

³ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

dates, but he was still an EM3/E-4. Article 1.B.4.b.(4) of the Bonus manual states that to eligible to receive a Zone B SRB, the member must be serving in pay grade E-5 or higher. Accordingly, the applicant was in Zone B but not eligible to reenlist for a Zone B SRB upon receipt of his transfer orders in December 2015 or on his 10th active duty anniversary in January 2016.

4. Second, the applicant was not eligible to reenlist for an SRB upon receipt of his transfer orders to the Base or on his 10th active duty anniversary because his EOE date was February 24, 2017. Paragraph 7.c. of the applicable ALCOAST, 346/15, states that eligibility for the authorized SRB required that the member's EOE date be prior to October 1, 2016. Accordingly, the applicant was not eligible to reenlist or extend for an SRB on these two occasions because his EOE date was well beyond October 1, 2016.

5. The applicant was not eligible to reenlist for an SRB upon receiving his transfer orders to Base Miami or on his 10th active duty anniversary because he was serving in pay grade E-4 and his EOE date was beyond October 1, 2016. Accordingly, relief should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of EM2 [REDACTED] USCG, for correction of his military record is denied.

March 7, 2018

